THE VICE-CHAIRMAN (SHRI JOHN F. FERNANDES): Now the matter is settled.

SHRI R. MARGABANDU: I am on a point of accountability; accountability of the judge. He takes office by taking an oath. When one is appointed as a judge, one must be faithful to the oath which one has taken. The Central Governmen-t—I am on point, let them not disturb, after hearing my argument, let them have their say... *(interruptions)*.

THE VICE-CHAIRMAN (SHRI JOHN F. FERNANDES): You don't refer to that. You address the Chair.

SHRI R. MARGABANDU: I am not going into the merit of the case. I am on a legal producer. Now the Central Government passes a Government Order, of course under Section 4(2) of the Prevention of Corruption Act. Under Section 4(2) of the Prevention of Corruption Act,—only under this prevention of corruptions Act 1988, the power is given to the Central Government because the State Government has not power under Section 4(2)— the Central Government can pass an order or it can pass an order stating, directing that some special judges can hear certain types of cases. That is the order that has been passed by the Central Government, that they are bound.

It is not that the judiciary is above the Central Government. Are not the judges bound by the Government Order? When that Government Order is shown to them and there is a retort by the Sessions judge, the subordinate judiciary syas that it is not worth the paper on which it has been written. Such is the remark. He says, "I am not bound; I am not bound." Just hear... *(interruptions)*.

THE VICE-CHIARMAN (SHRI JOHN F. FERNANDES): Mr. Dipanker Mukherjee, he is making a very important point.

SHRI R. MARGABANDU: He says, "I am not bound by the Government order. I am bound by the directions of the Chief Justice." I would like to know whether that type of accountability can be accepted. Where will it lead to when the judiciary is not obeying the order of the Central Government? *(interruptions)*.

Sir, do you agree? *(interruptions)*.

SHRI V.P. DURAISAMY: It should be expunged.

Judges and Scientists in Environment Courts

480. SHRI N.R. DASARI:
SHRI GAYA SINGH:

Will the Minister of ENVIRONMENT AND FORESTS be pleased to state:

(a) whether the Supreme Court has proposed that all environment courts, tribunals and appellate authorities should include a sitting or retired High Court or Supreme Court judge and scientist or group of scientists; and

(b) if so, the details thereof and Government's reaction thereto?

THE MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI BABU LAL MARANDI): (a) and (b) Yes, Sir. The Hon'ble Supreme Court in its judgement dated January 27, 1999 in respect of civil appeal Nos. 368—371 of 1999 arising out of SLP (C) Nos. 10317—10320 of 1998 has observed that "...the Government of India should, in our opinion, bring about appropriate amendments in the environmental statutes, Rules and notification to ensure that in all environmental Courts, Tribunals and appeallate authorities there is always a Judge of the rank of a High Court Judge or a Supreme Court Judge, — sitting or retired — and Scientist or group of Scientists of high ranking and experience so as to help a proper and fair adjudication of disputes relating to environment and pollution..." The National Environment Tribunal Act, 1995 and the National Environment Appellate Authority Act, 1997 contain commensurate provisions.